

Chairman Darrell Sanderson called the meeting to order.
Recording Secretary Dianna Rogers called the roll.

Members Present:	Sherron Jackson	
	David Garnett	
	Annie Metcalf	
	Joel Schrader	
	Patti Cross	
	Bob Mason	
	Dwayne Cook	
	Charles Stewart	
	Darrell Sanderson	(9)
Members Absent:	Keith Lee	
	Charles Booe	(2)

There being a quorum, the meeting proceeded.

A motion was made by Mr. Garnett to suspend the rules and move the Executive Session to the end and also to hear more than two public hearings. The motion was seconded by Mr. Cook and carried unanimously

A motion was made by Bob Mason to approve the minutes of the meeting of September 14, 2006. The motion was seconded by Mr. Jackson and carried unanimously.

A motion was made by Mr. Cook to approve the following bills for payment:

Edwin Logan (Make up increase 7/1 to 9/1/06)	\$ 1,050.00
Edwin Logan (PC October - \$700.00)	
Edwin Logan (BZA October - \$550.00)	1,250.00
Dianna Rogers (PC Secretarial/September)	300.00
Judd's (Invoice 019793)	200.36
Judd's (Invoice 21250)	9.95

The motion was seconded by Mr. Mason and carried unanimously.

There were no Reports of Officers, Standing Committees, Special Select Committees or Special Orders.

Under Staff Items, Gary Muller, City Planning Director, stated there would be a special meeting of the Commission on November 30 for a public hearing for the Goals and Policies for the Comprehensive Plan. He added there would be a Community Facilities Committee meeting on December 7 at 5:30 at KSU. Mr Muller stated the Planning Commission would have there regular meeting December 14, 2006.

The first item of business was a request from Lagco, Inc., for approval of a waiver of the Franklin County Zoning Ordinance, Section 4.06, Note 18k, for the purpose of having outside storage of construction equipment for property located at 2663 Evergreen Road.

Mr. Bruce Maybriar was present on behalf of Lagco. He stated they wanted to have equipment on the site. Mr. Garnett stated he did not address #16 of the ordinance. There was no one in the audience to speak in favor or in opposition to the request.

Ms. Vickie Sewell, County Planning Director, was present. Ms. Sewell stated the applicant called about a month ago and asked if equipment could be stored there. Ms. Sewell stated it could not and the applicant filed a request for a modification. Ms. Sewell stated Section 1.08 of the Zoning Ordinance states they cannot change permitted uses. She stated #16 is a condition of that and that would be a violation. Ms. Sewell added she did not feel the Planning Commission has the right to do that. Mr. Lee asked what zones would allow it. Ms. Sewell stated General Industrial and Industrial Commercial would allow it. Mr. Lee stated the area was so rural and asked if they could put up a fence. Mr. Edwin Logan, Commission Attorney, stated it is a modification of the basic zone district permitted uses. Ms. Metcalf asked what zones were adjacent to the property. Ms. Sewell stated in front is commercial and it is residential on either side. Mr. Booe asked what impact this might have on small businesses. Ms. Sewell stated you could end up having a lot of construction being stored on main thoroughfares. Ms. Sewell stated it would be hard to screen a large piece of equipment and the only way to do it would be to put it in an enclosed building. Mr. Sanderson stated this was the most terrible road to put equipment on and that the road was very curvy. Mr. Maybriar stated they did not ask for a zone change because a junk yard would be allowed if they left. Mr. Maybriar asked to withdraw the request and bring it back at a later time.

The next item of business was a public hearing request from Natalie Romans and Guy Simpson for approval of a Zone Map Amendment from Low Density Multi-Family Residential District (RL) to Professional Office (PO) for an approximate .48 acre property addressed as 611 Kings Daughter Drive, with the PVA map #050-00-00-079.00.

The Secretary stated this was a called public hearing under the authority of K.R.S. 100.213, paragraph 1 to consider a zone map amendment as requested by Natalie Romans and Guy Simpson.

The Commission is conducting an evidentiary hearing as there will be the taking of sworn testimony, findings of fact based upon substantial evidence and the conclusions supported by those findings.

The Secretary swore in all wishing to speak regarding this matter.

Ms. Natalie Romans was present and stated she was the Executrix for her Mother. She stated the property has doctor's offices beside and behind their property and doctor parking on the other side. She added the property is better suited for the area and professional office and not suited to sell as residential. Ms. Romans stated she agreed with the staff findings contained within the staff report.

Mr. Gary Muller, City Planning Director, was present and stated his Vita was on file. Mr. Muller stated he had no additions or deletions to his staff report. Mr. Edwin Logan, Commission Attorney, requested the staff report be entered into the record in lieu of additional testimony. The record was entered without objection.

There was no one present to speak in favor or in opposition to the request.

A motion was made by Mr. Garnett that the public hearing be closed. The motion was seconded by Mr. Lee and carried unanimously.

A motion was made by Mr. Garnett to adopt the staff report as the summary. The motion was seconded by Mr. Mason and carried unanimously.

A motion was made by Mr. Garnett to adopt staff findings 1 through six. The motion was seconded by Ms. Cross and carried unanimously. (1 – Kings Daughter Drive serves as a collector street; 2- The "PO" zoning district is the most restrictive zoning district to serve the needs of the applicant; 3 – the proposed amendment is consistent with the adopted Comprehensive Plan; 4 – the subject property adjoins the requested PO district on three sides; 5 – the existing RL zoning classification is an inappropriate designation for this property and the proposed PO district is appropriate; 6 – that the relocation/construction of the new Bridgeport Elementary School and the 53,000 square foot medical center addition at the Regional hospital across the street from the subject site has constituted a major change of an economic, physical or social nature within the area involved which was not anticipated in the adopted Comprehensive Plan and substantially altered the basic character of the area).

A motion was made by Mr. Garnett to recommend approval to the City Commission based on the fact that this request is in agreement with the Comprehensive Plan. The motion was seconded by Mr. Mason and carried unanimously.

The next item of business was a public hearing request from Knoll Creek, LLC for approval of a Zone Map Amendment from Rural Residential (RR) to Agricultural (AG) for an approximate 280 acre parcel of property located at 2947 Jones Lane.

The Secretary stated this was a called public hearing under the authority of K.R.S. 100.213, paragraph 1 to consider a zone map amendment as requested by Knoll Creek, LLC.

The Commission is conducting an evidentiary hearing as there will be the taking of sworn testimony, findings of fact based upon substantial evidence and the conclusions supported by those findings.

The Secretary swore in all wishing to speak regarding this matter.

Mr. John Baughman, Attorney, was present for the applicant. He stated Ms. Knoll intends the property to be a farm. He added she is going to build a house for her and build some houses for employees. He added the property is a horse farm. Mr. Baughman stated they were in agreement with the staff report and the request conforms to the Comprehensive Plan.

Ms. Vickie Sewell, County Planning Director, was present and stated her Vita was on field. She stated she had no additions or deletions to the staff report. Mr. Edwin Logan, Commission Attorney, requested the staff report be entered into the record in lieu of additional testimony. The record was entered without objection.

There was no one present to speak in favor or in opposition to the request.

A motion was made by Patti Cross to close the public hearing. The motion was seconded by Bob Mason and carried unanimously.

A motion was made by Patti Cross to adopt the staff report as the summary. The motion was seconded by Keith Lee and carried unanimously.

A motion was made by Patti Cross to adopt staff findings 1 through 3. The motion was seconded by Bob Mason and carried unanimously. (1 – The Comprehensive Plan, Future Land Use Plan, designates the property for rural activities; 2 – agricultural land uses are indicated in the Comprehensive Plan to be appropriate uses for the Rural Activities land use designation; 3 – the agricultural zone district is an appropriate zone district for the Rural Activities land use designation).

A motion was made by Ms. Cross to recommend approval of the request to Fiscal Court based on the findings of fact and that the request is in compliance with the Comprehensive Plan. The motion was seconded by Mr. Mason and carried unanimously.

The next item of business was a public hearing request from Susan Caudle, et al., for approval of a zone map amendment from Rural Residential (RR) to Rural Residential “B” Density for a 32.68 acre parcel of property located at 343 Pea Ridge Road.

Mr. John Baughman, Attorney, was present on behalf of the applicants. He passed out pictures of the property. Mr. Baughman stated the kids inherited the property from their parents. He added the new elementary school is almost

next door, separated by a 300 lot subdivision next door that has the same zoning as what they want. Mr. Baughman stated their proposal agrees with the Comprehensive Plan. Mr. Baughman stated they could also base their request on changes in the area; changes of a physical, social and economic nature. He added the school is a big change. He stated their farm connects to the subdivision under construction. Mr. Baughman stated the staff report supports their position in almost every way. He added sewer is available next door. Mr. Baughman stated that Ms. Sewell referred in her staff report that they are over the number of single family residences per the Comprehensive Plan. He stated the Plan was a guide. Mr. Baughman requested the Commission adopt the first nine staff findings but not number ten. Mr. Garnett stated the number of lots needed by 2020 is already exceeded so why should they not pay attention to that. Mr. Baughman stated this case has to be viewed with all its particulars, such as a new school beside it and a new subdivision. Mr. Logan stated they want to make sure infrastructure can keep up. Mr. Baughman stated sewer, water and electric are available.

Ms. Vickie Sewell, County Planning Director, was qualified by Mr. Logan. Ms. Sewell stated her vita was on file. Ms. Sewell stated she had no additions or deletions to her staff report. Mr. Logan asked Ms. Sewell to explain condition 10 of the findings (the amount of residential acreage of these new developments and rezonings since the adoption of the Comprehensive Plan totals 1,154 acres). Ms. Sewell stated the Comprehensive Plan Growth by Design discussed the outline of new housing unit from 2001 to 2020 and talked about the number of acreage should be rezoned to accommodate housing units. She added 1500 was recommended in the county. She added they have rezoned 1154 acres to residential. Ms. Sewell stated that based on that, that is the only basis for denial. Mr. Logan requested the staff report be entered into the record. The record was entered without objection. Mr. Lee asked that is based on that are they not going to rezone any other land for residents. Ms. Sewell stated she can't recommend approval as a planner until she gets updated information. Ms. Sewell added the 2020 figure is a recommendation, not a limitation. Mr. Booe asked if there was a backlog of vacant constructed housing. Ms. Sewell stated she could not say; they are working on that information for the Comprehensive Plan. Ms. Sewell stated there are 1749 new lots proposed or platted for development. She added they issue about 168 single family building permits a year.

There was no one in the audience to speak in favor or in opposition to the request.

A motion was made by Mr. Schrader to close the public hearing. The motion was seconded by Mr. Booe and carried unanimously.

A motion was made by Mr. Jackson and seconded by Ms. Cross that a summary be prepared. The motion carried unanimously.

The next item of business was a request from HMN 127, LLC for approval of an extension relating to the 12 month expiration timeframe of the Preliminary Subdivision Plat known as "Water Tower Place".

Mr. William Johnson, Attorney, was present on behalf of the applicant. He stated they had a 12 month window to file a Preliminary Subdivision Plat and want an extension of 12 months to get construction done so they don't get into bonding. Mr. Lee stated there were two staff conditions and asked if they had a problem with them. Mr. Johnson stated they have been met and they have no problems with the conditions. Mr. Johnson stated they have done preliminary grading.

Mr. Gary Muller, City Planning Director, stated the original conditions have been met and he recommended approval until 11/17/2007. Ms. Cross asked if a traffic study has been done. Mr. Muller stated an extensive study was done and there is some mitigation to be done.

There was no one present to speak in favor or in opposition to the request.

A motion was made by Mr. Cook to approve the extension with an expiration date of 11/17/07 with the two staff conditions being met. The motion was seconded by Mr. Mason and carried unanimously. (conditions: 1 – all agency comments included in the staff report are satisfied; 2 – the preliminary plat of Water Tower Place shall expire on 11/17/07, unless the record plat is submitted to staff prior to this date).

Under new business, Mr. Garnett submitted two courses of action to consider for a change to the bylaws regarding absences. A motion was made by Mr. Booe to table the item until December 14 to read. The motion was seconded by Mr. Schrader and carried unanimously.

A motion was made by Mr. Garnett to adjourn to executive session to discuss personnel. The motion was seconded by Ms. Cross and carried unanimously.

A motion was made by Mr. Garnett and seconded by Mr. Jackson to return from Executive Session. Chairman Sanderson stated discussion was held regarding the increase of the Planning Commission and Board of Adjustment Attorney fee. A motion was made by Mr. Garnett and seconded by Mr. Mason to approve an increase from \$900 a month to \$1,250 per month retroactive to July. The motion carried unanimously.

A motion was made by Mr. Garnett and seconded by Mr. Booe to adjourn. The motion carried unanimously.

Chairman Darrell Sanderson

Recording Secretary Dianna Rogers

